



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यपाल द्वारा प्रकाशित

शिमला, शुक्रवार, 13 दिसम्बर, 1985/22 अग्रहायण, 1907

हिमाचल प्रदेश सरकार

सामान्य प्रशासन विभाग

अनुभाग-(ख)

अधिसूचना

शिमला-171002, 2 नवम्बर, 1985

संख्या जी०ए०वी०-8(एच)-1/84.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि केन्द्रीय सरकार द्वारा सरकारी व्यय पर सार्वजनिक प्रयोजन के लिए नामतः धर्मशाला, जिला कांगड़ा में डाक तार विभाग द्वारा अधीक्षक डाकघर कार्यालय भवन एवं उसमें कार्यरत कर्मचारियों/अधिकारियों के आवास निर्माण के लिए भूमि अर्जित करनी अपेक्षित है, एतएव एतद्द्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है उपरोक्त प्रयोजन के लिए भूमि का अर्जन करना अपेक्षित है।

2. भू-अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के तथा भारत सरकार की अधिसूचना संख्या एफ-25(3)57/जे-II, दिनांक 20-2-1957 के द्वारा प्रदत्त शक्तियों के अधीन उन सभी व्यक्तियों के लिए

जिनका इससे सम्बन्ध है घोषणा की जाती है तथा उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन समाहर्ता, भू-अर्जन, कांगड़ा (उप-मण्डल अधिकारी सिविल, कांगड़ा), जिला कांगड़ा, हिमाचल प्रदेश को एतद्द्वारा निर्देश दिया जाता है कि वह उक्त भूमि के अर्जन के लिए आदेश प्राप्त करें।

3. भूमि का नक्शा-पत्र समाहर्ता, भू-अर्जन, कांगड़ा (उप-मण्डल अधिकारी सिविल, कांगड़ा), जिला कांगड़ा, हिमाचल प्रदेश के कार्यालय में देखा जा सकता है।

विवरणी

जिला	तहसील	गांव/कस्बा	खसरा न०	क्षेत्रफल वर्ग मीटरों में
1	2	3	4	5
कांगड़ा	कांगड़ा	धर्मशाला (तहसील व जिला कांगड़ा)	1906	1136.93
			1907	127.12
			1909	370.77
			1910	117.48
			1911	180.00
			1912	4.00
			1913	42.02
			1914	20.30
			1916	167.50
			1947	234.38
			1954	676.01
			1957	379.99
			1958	183.35
			1959	103.50
			1960	87.00
			1961	698.37
			1999	11.50
			2000	33.62
			1963	67.37
			1918	105.78
			1908	27.00
			1915	271.50
			1955	103.50
			1956	122.81
			1962	95.80
			1944	72.37
			1946	362.55
			1948	48.73
			1940	60.37
			1941	4.00
			1942/1	36.00
			1943/1	36.50
			1942	35.78

1	2	3	4	5
			1943	74.20
			1937	47.25
			1938	70.88
			1945	4.00
			1939	11.00
		जोड़ किता :	38	6231.53

आदेश द्वारा,
हस्ताक्षरित/-
सचिव ।

[Authoritative English text of this Government Notification No. GAB-8 (H)-1/84 dated 2-11-85 as required under Art. 348 (3) of the Constitution of India].

GENERAL ADMINISTRATION DEPARTMENT

SECTION-B

NOTIFICATION

Shimla-2, the 2nd November, 1985

No. GAB-8(H)-1/84.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by Central Government at the public expense for a public purpose, namely for the construction of the office of Superintendent of Post Offices, Dharamshala and some residential quarters (Residential unit) at Dharamshala, District Kangra (H P.) by the Postal Department, it is hereby notified that land in the locality specified below is to be required for the above purpose.

2. This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 and in pursuance of powers delegated by the Government of India, Ministry of Home Affairs, Notification No. F-25 (3)57/J-II, dated the 20th February, 1957 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector Land Acquisition, Kangra (Sub-Divisional Officer Civil), District Kangra, H. P. is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Kangra (Sub-Divisional Officer, Civil), District Kangra, Himachal Pradesh.

SPECIFICATION

District: KANGRA

Tehsil: KANGRA

Village/Town	Khasra No.	Area in Sq. metres
1	2	3
DHARAMSHALA	1906	1136.93
	1907	127.12
	1909	370.77
	1910	117.48

1	2	3
	1911	180.00
	1912	4.00
	1913	42.02
	1914	20.30
	1916	167.50
	1947	234.38
	1954	676.01
	1957	379.99
	1958	183.35
	1959	103.50
	1960	87.00
	1961	698.37
	1999	11.50
	2000	33.62
	1963	67.37
	1918	105.78
	1908	27.00
	1915	271.50
	1955	103.50
	1956	122.81
	1962	95.80
	1944	72.37
	1946	362.55
	1948	48.73
	1940	60.37
	1941	4.00
	1942/1	36.00
	1943/1	36.50
	1942	35.78
	1943	74.20
	1937	47.25
	1938	70.88
	1945	4.00
	1939	11.00
Total kitta ..	38	6231.53

By order,
Sd/-
Secretary.

जिला निर्वाचन कार्यालय, चम्बा, हिमाचल प्रदेश

अधिसूचना

चम्बा, 31 अक्तूबर, 1985

संख्या चम्बा-निर्वाचन-3(5)/85-II.—जैसा कि विकास खण्ड भरमौर की ग्राम सभा के निम्नलिखित पुनः निर्वाचन के परिणाम हिमाचल प्रदेश ग्राम पंचायत (निर्वाचन) नियम, 1978 के नियम 17 और 42 के अन्तर्गत घोषित किये जा चुके हैं।

अतः मैं, अग्रज मित्तल, जिलाधीश, जिला चम्बा एतद्वारा हिमाचल प्रदेश ग्राम पंचायत (निर्वाचन) नियम, 1978 के नियम 45 के अन्तर्गत विकास खण्ड भरमौर की निम्न ग्राम सभा के निम्न वार्ड से निर्वाचित पंच के नाम निम्नलिखित सारणी के अनुसार जनसाधारण की जानकारी हेतु अधिसूचित करता हूँ।

सारणी

विकास खण्ड (ब्लाक) भरमौर, तहसील भरमौर, जिला चम्बा

क्र०सं० तथा ग्राम सभा का नाम	निर्वाचित पंच का नाम तथा पता	अनुसूचित जाति/जन-जाति	पुरुष/स्त्री
1	2	3	4

1. घरेड़	वाडं नं० 5. गगल (अ०जा०) श्री भजन सुपुत्र श्री महन्त, ग्राम गगल, डा० घरेड़, तहसील भरमौर, जिला चम्बा ।	अनुसूचित जाति	पुरुष
----------	--	---------------	-------

स्थान : चम्बा

दिनांक 31-10-85

अजय मित्तल,
उपायुक्त, चम्बा ।

कार्यालय उपायुक्त, मण्डी, जिला मण्डी, हिमाचल प्रदेश

अधिसूचनाएं

मंडी, 8 नवम्बर, 1985

क्रमांक पी० सी० एन०-मण्डी (ए) (1)-11/79-5649-89.—यतः विकास खण्ड रिवालसर, जिला मण्डी में निम्नलिखित सारणी के स्तम्भ 2 में वर्णित ग्राम पंचायतों ने हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 की धारा 9(1) व, हिमाचल प्रदेश ग्राम पंचायत नियम, 1971 के नियम 19(ए) के अन्तर्गत पंचों का सहविकल्प किया है ।

अतः मैं, राजवन्त सन्धु, उपायुक्त, मण्डी, जिला मण्डी उन शक्तियों के अन्तर्गत जो मुझे हिमाचल प्रदेश ग्राम पंचायत नियम, 1971 के नियम 19-ए (2) में प्राप्त हैं, एतद्वारा जन साधारण को सूचना के लिए निम्न सारणी के स्तम्भ 2 में दी गई विकास खण्ड रिवालसर की ग्राम पंचायतों द्वारा स्तम्भ 3 में दिए गए प्रस्ताव संख्या व दिनांक के अन्तर्गत सहविकल्पित किए गए पंचों के नाम व पते के सामने स्तम्भ 4 में अधिसूचित करती हूँ ।

सारणी

विकास खण्ड रिवालसर, तहसील सदर मण्डी, जिला मण्डी

क्र० सं०	ग्राम पंचायत का नाम	प्रस्ताव संख्या व दिनांक जिसके द्वारा ग्राम पंचायत ने पंच का सहविकल्प किया	सहविकल्पित पंच का नाम व पता
1	2	3	4

1.	रिवालसर	5 25-10-85	1. श्रीमती हिमा देवी पंत्नी श्री फिहणू, जाति हरिजन, ग्राम धार, डा० रिवालसर । 2. श्रीमती रुक्मणी पत्नी श्री डागू, जाति ब्राह्मण, ग्राम सेरला खाबू, डा० रिवालसर ।
----	---------	------------	--

1	2	3	4
2. रियूर	2	26-10-85	श्रीमती चन्द्रम देवी पत्नी श्री काली दास, जाति ब्राह्मण, ग्राम चौकी चन्द्रहण, डा0 रियूर।
3. कोठीगहरी	2	30-10-85	श्रीमती लीला देवी पत्नी श्री दत्त राम, जाति ब्राह्मण, बटाहण, डा0 गम्बर खुड्ड।
4. सिध्याणी	3	28-10-85	श्रीमती राम देई पत्नी श्री चेत राम, जाति राजपूत, ग्राम सिध्याणी, डा0 सिध्याणी।
5. समलौण	2	29-10-85	श्रीमती नागरु पत्नी श्री खेम चन्द, जाति हरिजन, ग्राम समलौण, डा0 गलमा।
6. सरधवार	2	22-10-85	1. श्रीमती लक्ष्मी देवी पत्नी श्री विधी चन्द, जाति हरिजन, ग्राम थिन्हा, डा0 थिन्हा।
7. साई	2	25-10-85	1. श्रीमती नायबू देवी पत्नी श्री फिहता, जाति राजपूत, ग्राम कसाण, डा0 साई गलू।
8. बंहुल	6	23-10-85	1. श्रीमती धनी देवी पत्नी श्री जगदीश चन्द, जाति राजपूत, ग्राम बंहुल, डा0 पैडी।
9. नटनेड	4	25-10-85	1. श्रीमती सीता देवी पत्नी श्री तारा चन्द, जाति ब्राह्मण, ग्राम व डा0 सेहली।
10. जनेड	6	26-10-85	1. श्रीमती बालकी देवी पत्नी श्री तेज सिंह, जाति राजपूत, ग्राम जनेड, डा0 मराथू।
11. सेहली	2	30-10-85	1. श्रीमती चन्द्रवती पत्नी श्री माधव राम, जाति ब्राह्मण, ग्राम व डा0 सेहली।
12. सदयाणा	2	28-10-85	1. श्रीमती गणपतू पत्नी श्री कपूर सिंह, जाति राजपूत, ग्राम व डा0 सदयाणा।
13. निचला लोट	4	24-10-85	1. श्रीमती कृष्णा देवी पत्नी श्री वैणीमाधव, जाति ब्राह्मण, ग्राम सरवाहण, डा0 सेहली।
14. बाडीगुमाणू	2	30-10-85	1. सीता देवी पुत्री श्री चूहडू राम, जाति हरिजन, ग्राम घन्यारी, डा0 बाडीगुमाणू।
15. लागधार	6	26-10-85	1. श्रीमती नारद देवी पत्नी श्री शेर सिंह, जाति राजपूत, ग्राम ढलवानी, डा0 लागधार।
16. बरस्वाहण	2	31-10-85	1. श्रीमती निर्मला देवी पत्नी श्री लक्ष्मण, जाति हरिजन, ग्राम समाहणी, डा0 गुरकोठा।
17. बैरकोट	2	31-10-85	1. श्रीमती निर्मला देवी पत्नी श्री चन्दू लाल, जाति हरिजन, ग्राम छजवाहली, डा0 लेदा।
18. कोठी	2	31-10-85	1. श्रीमती लाजवन्ती पत्नी श्री केसव राम, जाति ब्राह्मण, ग्राम खुड्ड, डा0 गुरकोठा।
19. बैरी	2	31-10-85	1. श्रीमती पारवती देवी पत्नी श्री जिन्दु राम, जाति राजपूत, ग्राम बैरी, डा0 कोठी।
20. कठयाहू	2	1-11-85	1. श्रीमती राम देई पत्नी श्री हिरा सिंह, जाति राजपूत, ग्राम घडयान्न, डा0 कपाही।
21. सेण	2	1-11-85	1. श्रीमती धर्मी पत्नी श्री दयाल, जाति हरिजन, ग्राम अलाथू, डा0 रन्धाडा।
22. मराथू	3	2-11-85	1. श्रीमती कमला देवी पत्नी श्री श्याम सिंह, जाति राजपूत, ग्राम मराथू, डा0 मराथू।
23. खलाणू	2	3-11-85	1. श्रीमती जयवन्ती पत्नी श्री परशोत्तम राम, जाति राजपूत, ग्राम व डा0 खलाणू।

1	2	3	4
24. वीर	2	3-11-85	1. श्रीमती मस्तू देवी पत्नी श्री टेक चन्द, जाति राजपूत, ग्राम व डा0 वीर।
25. तरनोह		28-10-85	1. श्रीमती निला देवी पत्नी श्री योगराज, जाति राजपूत, ग्राम खड्डु कल्याण, डा0 वरयारा।
26. हल्यात्र	2	2-11-85	1. श्रीमती गीता देवी पत्नी श्री राम चन्द्र, जाति ब्राह्मण, ग्राम डुलग, डा0 दसेहड़ा।
27. कोटली		4-11-85	1. श्रीमती बन्ती देवी पत्नी श्री राम कृष्ण, जाति ब्राह्मण, ग्राम व डा0 कोटली।
28. भरगांव	2	3-11-85	1. श्रीमती धुगली देवी पत्नी श्री ज्वाहर, जाति राजपूत, ग्राम व डा0 भरगांव।
29. धन्यारा	2	4-11-85	1. श्रीमती देवकी देवी पत्नी श्री सुन्दर लाल, जाति ब्राह्मण, ग्राम फगला, डा0 समराहण।
30. उपरली सरवाडी	2	4-11-85	1. श्रीमती द्रोपती देवी पत्नी श्री कलू राम, जाति राजपूत, ग्राम सेण, डा0 खुड्याहड़।

मण्डी, 19 नवम्बर, 1985

क्रमांक पी0सी0एन0(म) ए'(1) 4/79-6034-84.—यतः विकास खण्ड सराज, तहसील थुनाग, जिला मण्डी में निम्न सारणी के स्तम्भ 2 में वर्णित ग्राम पंचायतों ने हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 की धारा 9(1) व हिमाचल प्रदेश ग्राम पंचायत नियम, 1971 के नियम 19(ए) के अन्तर्गत पंचों का सहविकल्प किया है।

अतः मैं, राजवन्त सन्धु, उपायुक्त मण्डी, मण्डल मण्डी, उन शक्तियों के अन्तर्गत जो मुझे हिमाचल प्रदेश ग्राम पंचायत नियम, 1971 के नियम 19(ए)(2) में प्राप्त हैं, एतद्वारा जनसाधारण की सूचना के लिए निम्न सारणी के स्तम्भ 2 में दी गई विकास खण्ड सराज की ग्राम पंचायतों द्वारा स्तम्भ 3 व 4 में दिए गए प्रस्ताव संख्या व दिनांक के अन्तर्गत सहविकल्पित किये गए पंचों के नाम व पते उनके सामने स्तम्भ 5 में अधिसूचित करती हूँ।

सारणी

विकास खण्ड सराज, जिला मण्डी

क्र0सं0	ग्राम पंचायत का नाम	प्रस्ताव संख्या व दिनांक जिसके द्वारा ग्राम पंचायत ने पंच का सहविकल्प किया	सहविकल्पित पंच का नाम व पता
1	2	3	4
1.	जंजैहली	2 7-11-85	श्रीमती सुशिला देवी पत्नी श्री जंजैहली, ग्राम जनोट, डा0 जंजैहली।
2.	थाची	2 6-11-85	श्रीमती देवकी देवी पत्नी श्री मस्त राम, निवासी तांदी।
3.	सोमगाड	2 6-11-85	श्रीमती पत्नी देवी पत्नी श्री जेदू राम, ग्राम जंहरा सोमगाड।
4.	शिलहीबागी	2 6-11-85	श्रीमती मुरतु देवी पत्नी गुरसाई राम, ग्राम जुज।
5.	तियुणी	2 6-11-85	श्रीमती कातकी देवी पत्नी श्री सोहन सिंह, लेद निवासी।

1	2	3	4	5
6.	भाणी	2	4-11-85	1. श्रीमती सुरतु देवी पत्नी श्री खिमू, निवासी भलयाारी, डा0 बाली चौकी। 2. श्रीमती लीला मणी पत्नी श्री राजेंद्र सुमन, निवासी नौणा, डा0 बालीचौकी।
7.	गलू	2	6-11-85	श्रीमती जिन्दी देवी पत्नी श्री धर्म सिंह, ग्राम गलू, डा0 बिहणी।
8.	छतरी	2	6-11-85	श्रीमती देवकु देवी पत्नी श्री देवी राम, ग्राम लस्ती, इलाका मगरू।
9.	काकड़ाधार	2	6-11-85	श्रीमती माधी देवी पत्नी श्री दीलत राम, निवासी काकड़ा।
10.	भाटकीधार	1	4-11-85	श्रीमती बेगमा देवी पत्नी श्री हिम सिंह राजपूत, ग्राम बठयुट, डा0 बागाचनोगी।
11.	बागाचनोगी	1	1-11-85	श्रीमती तवारी देवी पत्नी श्री भदरू राम, ग्राम बागा, डा0 बागाचनोगी।
12.	थाना	2	5-11-85	श्रीमती माधी देवी पत्नी श्री पौसु राम, ग्राम झमाच, डा0 शिवा थाना।
13.	तुंगाधार	4	31-10-85	1. श्रीमती शोला देवी पत्नी श्री राम सिंह, इलाका भेखला, डा0 जंजैहली। 2. श्रीमती भदरी देवी पत्नी श्री चुनी लाल, ग्राम कुशाह, डा0 जंजैहली।
14.	थाटा	15	28-10-85	श्रीमती कातकी देवी पत्नी श्री डीने राम, ग्राम थाटा, डा0 घन्यार।
15.	खलवाहण	12	30-10-85	श्रीमती चंबेलु देवी पत्नी श्री लेद राम, ग्राम मजाग्रो, डा0 खूहण।
16.	थाचाधार	7	30-10-85	श्रीमती लीला देवी पत्नी श्री काहन सिंह, ग्राम ठनार, इलाका डाहर।
17.	बगड़ाथाच	2	1-11-85	श्रीमती कलमू देवी पत्नी श्री धनी राम राजपूत, ग्राम खुनाची, इलाका बगड़ा।
18.	घाट	3	31-10-85	श्रीमती रीतु देवी सुपुत्री श्री मनसुख राम, ग्राम घाट, इलाका डाहर।
19.	कलहणी	1	31-10-85	श्रीमती खीमा देवी पत्नी श्री तेज सिंह, ग्राम थाच, डा0 कलहणी।
20.	नलवागी	1	30-10-85	श्रीमती तिखी देवी पत्नी श्री भगत राम, ग्राम सलोट, डा0 खोलानाल।
21.	खोलानाल	1	1-11-85	श्रीमती फागणी देवी पत्नी श्री गंगा राम, ग्राम खोलानाल।
22.	पंजाई	2	7-11-85	श्रीमती लच्छी देवी पत्नी श्री सरन पत राजपूत, दुधा महाल, डा0 जमराधा।
23.	मुनाण	1	6-11-85	श्रीमती भदरी देवी पत्नी श्री तेज सिंह, ग्राम मुनाह, डा0 थुनाग।
24.	शिकावरी	1	8-11-85	श्रीमती दिनू पत्नी श्री परमानन्द, निवासी शिकावरी।
25.	थुनाग	1	9-11-85	श्रीमती पदमा पत्नी श्री , निवासी थुनाग।

मण्डी, 19 नवम्बर, 1985

क्रमांक पी0सी0एन0(म)ए(1)6/79-6281-6331.—यतः विकास खण्ड धर्मपुर, तहसील सरकाघाट जिला मण्डी में निम्न सारणी के स्तम्भ 2 में वर्णित ग्राम पंचायतों ने हिमाचल प्रदेश पंचायती राज अधिनियम

1968 की धारा 9(1) व हिमाचल प्रदेश-ग्राम पंचायत नियम, 1971 के नियम 19(ए) के अन्तर्गत पंचों का गृहविकल्प किया है।

अतः मैं, राजवन्त मन्थु, उपायुक्त, मण्डी, जिला मण्डी, उन शक्तियों के अन्तर्गत जो मुझे हिमाचल प्रदेश ग्राम पंचायत नियम, 1971 के नियम 19-ए(2) में प्राप्त हैं, एतद्वारा जनसाधारण की सूचना के लिए निम्न सारणी के स्तम्भ 2 में दी गई विकास खण्ड धर्मपुर की ग्राम पंचायतों द्वारा स्तम्भ 3 व 4 में दिये गए प्रस्ताव संख्या व दिनांक के अन्तर्गत सहविकल्पित किये गए पंचों के नाम व पते उनके सामने स्तम्भ 5 में अधिसूचित करती हूँ।

सारणी

विकास खण्ड धर्मपुर, तहसील सरकाघाट, जिला मण्डी

क्र.सं.	ग्राम पंचायत का नाम	प्रस्ताव संख्या व दिनांक जिसके द्वारा ग्राम पंचायत ने पंच का सहविकल्प किया है	सहविकल्पित पंच का नाम व पता
1	2	3	4
5			
1.	तनेहड़	2 7-11-85	श्रीमती प्रमिला देवी पत्नी श्री रोशन लाल, ग्राम तनेहड़, डा0 तनेहड़।
2.	चौक	1 6-1-85	श्रीमती पारवती पत्नी श्री हीरा लाल, ग्राम सदोआ, डा0 चौक।
3.	रोपड़ी	8 5-11-85	1. श्रीमती द्रोपती देवी बेवा गोविन्द राम राजपूत, ग्राम झञ्जोल, डा0 रोपड़ी। 2. श्रीमती बरफी देवी पत्नी श्री कपलदेव राजपूत, ग्राम चेल, डा0 रोपड़ी। 3. श्री गुरवक्स सुपुत्र श्री दसोधी हरिजन, ग्राम ब्रमण, डा0 रोपड़ी।
4.	सिधपुर	2 6-11-85	श्रीमती शांती देवी बेवा रामदेव, ग्राम सिद्धपुर।
5.	बहरी	6 5-11-85	श्रीमती लछमी देवी पत्नी श्री चमार राम राजपूत, ग्राम बहरी।
6.	स्योह	2 6-11-85	श्रीमती माधो देवी पत्नी श्री नरेणू राजपूत, ग्राम गोरत।
7.	सकलाणा	2 5-11-85	श्रीमती छतरो देवी बेवा बांकू राज राजपूत, ग्राम समलाना।
8.	समीड़	2 5-11-85	श्रीमती महन्ती देवी पत्नी कालू राम, ग्राम तड़न।
9.	टौरखोला	2 2-11-85	श्रीमती कौला देवी श्री पत्नी श्री लखू राम, ग्राम टौरखोला।
10.	संधोल	2 2-11-85	1. श्रीमती दमोदरी देवी पत्नी श्री जगू राम राजपूत, ग्राम संधोल। 2. श्रीमती जानकी देवी पुत्री श्री हेत राम राजपूत, ग्राम नेरी, डा0 संधोल। 3. श्री भूरी सिंह सुपुत्र श्री गंगा राम हरिजन, ग्राम सोहर, डा0 संधोल।
11.	दतवाड़	2 22-10-85	श्रीमती छटाकी देवी बेवा पंजकू राम, राजपूत, ग्राम दतवाड़, डा0 संधोल।
12.	टिहरा	2 5-11-85	1. श्रीमती बरफी देवी पत्नी श्री सोहन सिंह राजपूत, ग्राम कोट, डा0 टिहरा। 2. श्री बख्शी राम पुत्र श्री डूमणू हरिजन, ग्राम लगवार, डा0 टिहरा।

1	2	3	4	5
13.	तन्यार	2	25-10-85	श्रीमती शिला देवी पत्नी श्री कृष्ण दास राजपूत, ग्राम बाग, डा0 तन्यार ।
14.	गरयोह	2	5-11-85	श्रीमती कला देवी बेवा श्री चुहड़, राम ब्राह्मण, ग्राम ढगवाणी ।
15.	बसन्तपुर (रसैण)	2	5-11-85	श्रीमती कांता देवी पत्नी श्री भाग सिंह राजपूत, ग्राम बहल ।
16.	कोठी (चोलथरा)	2	5-11-85	श्रीमती भूपिन्दा देवी पत्नी श्री केशर सिंह, ग्राम सरौन ।
17.	बिगा	3	13-11-85	श्रीमती बरफी देवी पत्नी श्री कालू राम राजपूत, ग्राम दबरोट, डा0 मढ़ी ।
18.	धलारा	2	31-10-85	श्रीमती अच्छरी देवी पत्नी श्री भादर सिंह, ग्राम धलारा ।
19.	कमलाह	6	25-10-85	श्रीमती हिमा देवी पत्नी श्री हरनाम सिंह, ग्राम मझेर, डा0 कमलाह ।
20.	सजाओ पिपलु	3	25-10-85	1. श्रीमती कुन्ता देवी पत्नी श्री दुर्गादास ब्राह्मण, ग्राम सजाओ पिपलु । 2. श्री परमा नन्द पुत्र श्री ठेमल, जाति हरिजन, सजाओ पिपलु । 3. श्रीमती संती देवी बेवा श्री राम चन्द्र ब्राह्मण, निवासी भेड़ी, डा0 सजाओ पिपलु ।
21.	बनाल	2	2-11-85	श्रीमती भूपती देवी पत्नी श्री वृजलाल हरिजन, ग्राम हलाणी, डा0 बरोटी ।
22.	धर्मपुर	6	1-11-85	श्रीमती रूपा देवी पत्नी श्री रोशन लाल हरिजन, ग्राम बनवार कलां, डा0 धर्मपुर ।
23.	पैहड़	3	3-11-85	श्रीमती कारजू देवी बेवा श्री सिला राम राजपूत, ग्राम पैहड़ ।
24.	कून	5	22-10-85	श्रीमती पूरवू देवी पत्नी श्री महंत राम, ग्राम चोलगद ।
25.	थनाला	निर्वाचन काल में महिला निर्वाचित हो चुकी है अतः सहसिकल्प नहीं हुआ ।		
26.	कोठुआं	—यथोपरि—		
27.	सधोट		9-11-85	1. श्रीमती कमला देवी पत्नी श्री जगदीश राजपूत, ग्राम रोसो (रथोड़), डा0 सधोट । 2. श्रीमती कारजू देवी बेवा श्री पूर्विया राम राजपूत, ग्राम धरासो, डा0 सधोट । 3. श्री चंगू राम पुत्र श्री प्रियाम राम हरिजन, ग्राम खरोह ।
28.	ब्रांग	2	6-11-85	श्रीमती हुमती देवी बेवा श्री हेत राम राजपूत, ग्राम व डा0 ब्रांग ।
29.	लौंगणी	2	6-11-85	1. श्रीमती देवकु पत्नी श्री बरफू, ग्राम फोहड़, डा0 सरी । 2. श्रीमती सन्ती देवी पत्नी श्री गुलजारी, ग्राम तरयामला, डा0 लौंगणी । 3. श्री मसदी राम पुत्र थोला राम हरिजन, ग्राम व डा0 सरी ।
30.	लंगेहड़	2	7-11-85	श्रीमती बनारसु देवी पत्नी श्री गोविन्द राम, जाति राजपूत, ग्राम त्रियुण, डा0 टोरजाजर ।
31.	ढरवाड़	1	4-11-85	श्रीमती खलता देवी पत्नी श्री बदरी दास, ग्राम चसवाल ।
32.	टोरजाजर	2	6-11-85	श्रीमती बरलाजू देवी पत्नी श्री मंगत राम, जाति राजपूत, ग्राम मुन्दल, डा0 टोरजाजर ।

मण्डी, 19 नवम्बर, 1985

क्रमांक पी0पी0एन0-(म) ए (1) 5/79-6331-81.—यतः विकास खण्ड सुन्दरनगर, तहसील सुन्दरनगर, जिला मण्डी में निम्नलिखित सारणी के स्तम्भ 2 में वर्णित ग्राम पंचायतों ने हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 की धारा 9(1) व हिमाचल प्रदेश ग्राम पंचायत नियम, 1971 के नियम 19ए के अन्तर्गत पंचों का सहविकल्प किया है।

अतः मैं, राजवन्त मन्थु, उपायुक्त मण्डी, जिला मण्डी, उन शक्तियों के अन्तर्गत जो मुझे हिमाचल प्रदेश ग्राम पंचायत नियम, 1971 के नियम 19-ए(2) में प्राप्त हैं, एतद्द्वारा जनसाधारण की सूचना के लिए निम्न सारणी के स्तम्भ 2 में दी गई विकास खण्ड सुन्दरनगर की ग्राम पंचायतों द्वारा स्तम्भ 3 व 4 में दिए गए प्रस्ताव संख्या व दिनांक के अन्तर्गत सहविकल्पित किये गए पंचों के नाम व पते उनके सामने स्तम्भ 5 में अधिमूर्चित करती हूँ।

सारणी

विकास खण्ड सुन्दरनगर, जिला मण्डी

क्र० सं०	ग्राम पंचायत का नाम	प्रस्ताव संख्या व दिनांक जिसके द्वारा ग्राम पंचायत ने पंच का सहविकल्प किया	सहविकल्पित पंच का नाम व पता
1	2	3	4
5			
1.	नालग	1 8-11-85	श्रीमती सावित्री देवी पत्नी.....
2.	घोड़ी	2 9-11-85	श्रीमती खीमी देवी स्त्री श्री दुर्गादास, निवासी घोड़ी।
3.	जयदेवी	2 7-11-85	श्रीमती चिता देवी पत्नी श्री खेमराज, निवासी जयदेवी।
4.	सोजा	2 9-11-85	श्रीमती तृप्ता देवी पत्नी श्री वामदेव, निवासी सोजा।
5.	घन्यारा	2 10-10-85	श्रीमती पारवतु देवी पत्नी श्री कांशी राम, निवासी वारण, डा0 घन्यारा।
6.	बोई	2 8-11-85	श्रीमती कमला देवी पत्नी श्री चेत राम, निवासी वरागता।
7.	चाम्बी	3 8-11-85	1. श्रीमती सरना देवी पत्नी लेट थाथी, निवासी चाड़ू, डा0 स्यांजी। 2. श्रीमती कला देवी पत्नी श्री खेम राज, निवासी कांगर, डा0 चाम्बी।
8.	महादेव	3 9-11-85	1. श्रीमती विमला देवी पत्नी श्री अर्जुन राम, निवासी रिगाह महादेव। 2. श्रीमती कांता शर्मा श्री रूक्रमण राम, निवासी महादेव।
9.	जुगाहण	2 9-11-85	श्रीमती कृष्णी देवी निवासी....
10.	जाम्बला	2 25-10-85	श्रीमती बोहरी देवी विधवा राजपूत, निवासी जाबला।
11.	डैहर	2 6-11-85	1. श्रीमती वेसरू देवी पत्नी श्री खोपड़ राम, निवासी अग्रमू। 2. श्रीमती किरपी देवी पत्नी सुन्दर राम, निवासी भतरेहड़ा।
12.	उपरली बंहली	2 7-11-85	1. श्रीमती इसरो देवी पत्नी अचछर सिंह, निवासी उपरली बंहली। श्रीमती कृष्णी देवी पत्नी श्री लछमण राम, निवासी भाभला।
13.	जड़ोल	2 10-11-85	श्रीमती कृष्णी देवी पुत्री श्री चियूण, निवासी जखील।
14.	कगू	2 7-11-85	श्रीमती गम्भरी देवी पुत्री श्री कुन्दन, निवासी घाथन, डा0 सिंहली।
15.	बायला	2 5-11-85	

1	2	3	4
16.	सेरी	2	29-10-85 श्रीमती गुर्दी देवी पुत्री ठाकर राम, ग्राम व डा0 सेरी कोठी।
17.	वलग	3	26-10-85 श्रीमती दर्शन देवी पत्नी परसराम, ग्राम व डा0 वलग।
18.	बन्दली	2	2-11-85 श्रीमती कमला देवी पत्नी श्री नारद राम, ग्राम घैव, डा0 रकोल।
19.	ध्वाल	10	28-10-85 श्रीमती लच्छमी देवी पत्नी श्री ज्योती, निवासी ध्वाल।
20.	छात	2	5-11-85 श्रीमती सरी देवी पत्नी श्री नरोत्तम राम, निवासी रड़का।
21.	सलापड़	2	5-11-85 श्रीमती वजाल देवी पत्नी श्री धनिया, निवासी सलापड़।
22.	कलाहोड़	2	4-11-85 1. श्रीमती कमला देवी पत्नी श्री भगत राम, निवासी वीरेश, डा0 कलाहोड़।
23.	चमुखा	2	8-11-85 श्रीमती निलना देवी पत्नी श्री पोहलो राम, निवासी ग्राम व डा0 चूरद।
24.	वहली	2	7-11-85 श्रीमती अछरी देवी पत्नी श्री खूब राम, निवासी कमाद, व डा0 चौकी।
25.	पौड़ा कोठी	2	8-11-85 श्रीमती वनिता देवी पत्नी श्री कर्म चन्द, निवासी कनानू, डा0 पौड़ा कोठी।
26.	रोहाण्डा	2	9-11-85 श्रीमती मीरा देवी पत्नी श्री देवी राम, निवासी रोहाण्डा।
27.	डोलधार	2	8-11-85 श्रीमती नरवदा देवी पत्नी श्री पारापती, निवासी नागधार।
28.	कनैड़	2	31-10-85 श्रीमती बन्ती देवी बेवा डागू राम, निवासी कनैड़।
29.	डुगराई	2	25-10-85 श्रीमती महिन्द्र कौर पुत्री श्री हरजीत सिंह, निवासी रड़ा।
30.	कपाही	2	3-11-85 श्रीमती हिमा देवी पत्नी श्री वृज लाल, निवासी डोहडवा, तहसील सुन्दरनगर।
31.	भनवाड़ी	2	17-10-85 श्रीमती महन्ती देवी, निवासी भनवाड़ी।
32.	मल्लोह	3	25-10-85 श्रीमती देवकी देवी।
33.	सलवाणा	5	24-10-85 श्रीमती भनी देवी पत्नी श्री डागू राम, निवासी जाबल, तहसील सुन्दरनगर।
34.	वांषणू	4	29-10-85 श्रीमती कृष्णी देवी पत्नी चमल राम, निवासी मतोग।
35.	बटवाड़ा	4	31-10-85 श्रीमती दुरगु बेवा श्री गोकुल राजपूत, निवासी बटवाड़ा।

राजवन्त सन्धु,
उपायुक्त, मण्डी, जिला मण्डी।

परिवहन विभाग

अधिसूचनाएं

शिमला-2, 20 नवम्बर, 1985

संख्या 6-26/84-परिवहन.—हिमाचल प्रदेश में यथा प्रयोजित पंजाब मोटरयान नियम, 1940 में और आगे संशोधन करने हेतु मोटर यान अधिनियम, 1939 (1939 का 4) की धारा 41 की उप-धारा (2) (सी) तथा (एम) के अधीन प्रदत्त शक्तियों और इस सम्बन्ध में इन्हें सशक्त करने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश के राज्यपाल उक्त नियम में निम्नलिखित रूप से संशोधन करने का प्रस्ताव करते हैं और उक्त अधिनियम की धारा 133 (1) द्वारा यथा अपेक्षित इससे प्रभावित होने वाले व्यक्तियों की सूचना हेतु प्रकाशित किया जाता है।

2. प्रारूपित संशोधन से प्रभावित कोई भी व्यक्ति अपने आक्षेप और सुझाव, इस अधिसूचना के हिमाचल प्रदेश राजपत्र में प्रकाशित होने से 30 दिन की अवधि के भीतर सचिव, हिमाचल प्रदेश सरकार, परिवहन विभाग, शिमला को भेज सकता है, जिस पर हिमाचल प्रदेश सरकार द्वारा प्रारूपित संशोधन सहित उक्त अवधि की समाप्ति के पश्चात् विचार किया जायेगा।

DRAFT AMENDMENT

In the Punjab Motor Vehicles Rules, 1940, in their application to Himachal Pradesh, at the end of the existing Second Schedule, the following item, after Una District shall be added, namely:—

1	2	3
For taxis plying in Shimla Capital Town and its sub-urban areas Within the radius of 25 km.	Secretary, State Transport Authority, Himachal Pradesh.	HPT-1 to 1000

शिमला-2, 20 नवम्बर, 1985

संख्या 6-26/84-परिवहन.—हिमाचल प्रदेश में लागू राजपत्र मोटरवाहन नियम, 1940 के नियम 2.1 तथा 3.2 के अन्तर्गत प्रदत्त शक्तियों को प्रयोग में लाते हुए, राजपत्र, हिमाचल प्रदेश, सचिव परिवहन प्राधिकरण, हिमाचल प्रदेश को शिमला टाउन के 25 कि० मी० की परिधि में भीतर चलने वाली लोकल टैक्सियों के पंजीकृत करने हेतु, अपने पद के कार्य के साथ, पंजीयन तथा अनुज्ञापन अधिकारी तत्काल सहाय नियुक्त करते हैं।

एस० एस० सिद्धू,
आयुक्त एवं सचिव।

ELECTION DEPARTMENT

NOTIFICATION

Shimla-171002, the 31st October, 1985

No. 3-28/85-ELN.—The Election Commission of India's notification No. 82/HP-LA/1/85, dated the 14th October, 1985 corresponding to 22 Asvina, 1907 (Saka) containing the Judgement dated the 27th September, 1985 of the High Court of Himachal Pradesh at Shimla in Election Petition No. 1 of 1985 is hereby published for general information.

By order,
ATTAR SINGH,
Chief Electoral Officer.

भारत निर्वाचन आयोग

निर्वाचन सदन,

अशोक मार्ग,

नई दिल्ली-110001:

14 अक्तूबर, 1985

तारीख

22 आश्विन, 1907 (शक्)

अधिसूचना

सं० 82/हि०प्र०/1/85.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग 1985 की निर्वाचन अर्जी सं० 1 में उच्च न्यायालय, हिमाचल प्रदेश, शिमला के तारीख 27 सितम्बर, 1985 का निर्णय एतद्वारा प्रकाशित करता है।

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road,

New Delhi-110001:

14th October, 1985

Dated

22nd Asvina, 1907 (Saka)

NOTIFICATION

No. 82/HP-LA/1/85.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the Judgement dated the 27th September, 1985 of the High Court of Himachal Pradesh, Shimla in Election Petition No. 1 of 1985.

Copy of the Judgement delivered by Hon'ble Mr. Justice T. R. Handa, J. in Election Petition 1 of 1985 on 27-9-1985.

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

ELECTION PETITION No. 1 OF 1985

Date of decision: September 27, 1985

Shri Virender Kumar

.. Petitioner.

Versus

Shri Yog Raj and another

.. Respondents:

For the Petitioner(s)

Shri S. P. Jain with Shri K. D. Shreedhar, Advocate.

For the Respondent(s)

Shri Inder Singh, Advocate, for respondent No. 1.

T. R. HANDA, J.

During the last general elections to the Himachal Pradesh State Legislative Assembly held in February/March, 1985, the petitioner Shri Virender Kumar as also respondents No. 1 and 2 S/Shri Yog Raj and Dalip Singh were in the field to contest the seat from 39—Paragpur(S.C.) constituency. The poll was held on March 5, 1985, and the result was declared on March 6, 1985. Respondent No. 1, Shri Yog Raj, polled the highest number of votes, being 12272. Immediately trailing behind was the petitioner who polled 11512 votes. Respondent No. 2 Dalip Singh secured only 1029 votes. Respondent No. 1 was accordingly declared elected.

The petitioner, being not satisfied with the result of the election, has filed the present petition under sections 80 and 81 read with sections 100 and 101 of the Representation of People Act, 1951, (hereinafter called "the Act") praying that the election of respondent No. 1 be declared void. An additional prayer made by him is that after the election of respondent No. 1 is declared void, the petitioner be declared as duly elected from the aforesaid constituency.

The petitioner purports to challenge the election of respondent No. 1 on the grounds falling within the purview of section 100 (1)(d) (iii) and (iv) of the Act. The material allegations on which this challenge is founded are mentioned in para 11 of the petition which opens in the following language:

"That the election of respondent No. 1 is illegal, against the provisions of the Act and Conduct of Election Rules and is liable to be set aside, because of the following ground and irregularities committed at the time of counting which has materially affected the result and the entire recounting is required to be done under the directions, supervision and control of this Hon'ble Court on the following grounds, *inter alia*:"

The particulars of the irregularities and illegalities as mentioned in the following portions of this paragraph may be summarised thus:

The members of the official staff engaged for counting had been deployed for the purpose on the recommendations of respondent No. 1 and were highly interested in his success. During the course of counting the counting agents of the petitioner were made to sit on benches which were lower in height as compared to the counting tables with the result that they could not properly see the ballot papers from their seats. The presence of the counting agents of the petitioner was in fact made totally ineffective as they were not permitted by the counting staff to inspect the ballot papers or watch the counting process. Oral objections raised against the errors committed in the course of counting by the counting staff were ignored by the concerned authorities. Hundreds of votes polled in favour of the petitioner were counted as the votes of respondent No. 1 and similarly several other votes polled in favour of respondent No. 2 were also counted as votes polled by respondent No. 1. 50 votes polled by the petitioner were actually detected to have been counted in favour of respondent No. 1 at table No. 3 in respect of polling booth No. 39. On the same table four other votes of the petitioner pertaining to polling booth No. 3 were also found to have been included in the votes of respondent No. 1. Similarly on an objection raised to that effect it was discovered that at table No. 7 as many as 63 votes of the petitioner pertaining to polling booth No. 43 had been counted as 50. The counting schedule as announced at the commencement of counting was not adhered to in the sense that whereas votes of polling booth Nos. 1, 13, 25, 37 and 49 were to be counted at table No. 1, votes of polling booth Nos. 2, 14, 26, 38 and 50 were to be counted at table No. 2 and so on upto table No. 12, this pattern was not followed after the second round. In fact no pattern was followed after the second round. A large number of votes polled by the petitioner though actually valid were rejected as invalid by the Assistant Returning Officer. This rejection was ordered on the flimsy grounds, that there were certain thumb marks on the ballot papers. The objections of the petitioner and his counting agents against this rejection were over-ruled without any good reason. The postal ballot papers were not counted in the presence of the petitioner or his counting agents. The entire counting process was supervised by the Assistant Returning Officer instead of the Returning Officer and was, therefore, illegal. At the close of the counting, no announcement was made by the Assistant Returning Officer about the number of votes secured by each candidate which was essential to enable the aggrieved candidates to exercise their right to demand recount. Despite this omission, the petitioner did apply for recount but his petition was rejected by the Assistant Returning Officer by a non-speaking order passed at the behest of respondent No. 1, though the petitioner had earlier been assured that his demand for recount would be acceded to. The Assistant Returning Officer failed to prepare and sign Form No. 20 and also to make declaration in Form No. 21-C or Form No. 21-D about the result of the election.

Respondent No. 1 alone put in appearance to contest the petition. He controverted all the allegations made in the petition about the irregularities and illegalities in the counting process and averred that the counting had been fair and just and that the petitioner had been defeated as he failed to secure majority of votes. An objection was also raised that the petition disclosed no cause of action and that on the averments made therein no order for inspection or recount of the ballot papers was called for.

On the pleas of the parties the following issues were struck:

1. Whether the result of the election in so far as it concerns the returned candidate has been materially affected by improper reception, refusal or rejection of any vote or the reception of any vote which is void?
2. Whether the petitioner is entitled to inspection and recount of the ballot papers?
3. Relief.

Subsequently on an application made by the respondent under Order 14, Rule 5, CPC the following additional issue was framed:

Whether the petition discloses a cause of action?

I would first take up the additional issue framed subsequently. Whether the petition discloses a cause of action or not, would depend on the answer to the question whether the allegations made in the petition, if not traversed and accepted as true, would entitle the petitioner to the relief claimed in the petition. It is not in dispute before me that the right to challenge an election to either House of Parliament or to the House or either House of the Legislature of a State, being a statutory right has distinction from a civil right or a right in common law, it can be exercised only in accordance with the provisions of the Act which creates it. It is also agreed on either side that the election of a successful candidate cannot be called in question except on one or more of the grounds specified in section 100 (1) of the Act. The question thus boils down to the point whether the allegations made in support of the petition would suffice to constitute one or more of the grounds mentioned in section 100 (1) of the Act and if accepted as true would justify declaring the election of respondent No. 1 as void. The relevant provisions of section 100 (1) read thus:

“100. *Ground for declaring election to be void.*—(1) Subject to the provisions of sub-section (2) if the High Court of opinion—

X X X X X

- (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—
- (i) by the improper acceptance of any nomination, or
 - (ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent, or
 - (iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or
 - (iv) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act,
- the High Court shall declare the election of the returned candidate to be void.”

Now in the instant case the petitioner seeks to challenge the election of respondent No. 1 only on the grounds as mentioned in sub-clauses (iii) and (iv) of clause (d) of sub-section (1) of section 100 of the Act. The contention of Shri Inder Singh, the learned counsel for the returned candidate on whose objection this issue was framed is that in order to successfully challenge the election of respondent No. 1 on the grounds falling within the purview of section 100 (1) (d) (iii) and (iv) of the Act, the petitioner had to specifically plead that the irregularities and illegalities committed in the course of counting in the form of improper reception, refusal or rejection of the votes or [the reception of any valid vote] or the non-compliance of any rule, as alleged in the petition, had [materially affected] the result of the election is so far as the returned candidate is concerned. Referring to the language employed in para No. 11 of the petition and which has been extracted in an earlier part of the judgment, the learned counsel submitted that the petition in this case contains no averment to the effect that the alleged irregularities and illegalities in the counting had materially affected the result of the election in so far

as the returned candidate is concerned. The mere fact that these illegalities and irregularities had affected the result of the election, as alleged in the petition, even if accepted as true, would not be a ground within the purview of section 100 (1) (d) to declare the election of respondent No. 1 void.

The argument advanced by the learned counsel for the returned candidate, based as it is on the language of para 11 of the petition which certainly is not very happily worded, however, attractive it may look at the first thought, is difficult to accept. It is true that the petitioner has not used the language employed in clause (d) of sub-section (1) of section 100 of the Act and alleged in so many words "that the result of the election, in so far as it concerns the returned candidate, has been materially affected," by the irregularities and illegalities alleged to have been committed in the course of counting. However, if we read this paragraph as a whole, the conclusion is irresistible that what the petitioner intended to convey was that the irregularities alleged to have been committed during the counting had tilted the result of the election in favour of respondent No. 1 who but for such irregularities would not have been declared elected. There is a clear allegation in the petition "that the election of respondent No. 1 is illegal, against the provisions of the Act and conduct of Election Rules and is liable to be set-aside." There is also an allegation found in sub-para (h) of para 11 that the petitioner had obtained largest number of valid votes polled and his votes had wrongly been counted in favour of respondent No. 1. Considering the subject of the allegations made in the petition as against the form in which they are made, I am of the view that the requirements of section 100 (1) (d) of the Act are substantially met with in the instant case and would, therefore, feel reluctant in accepting the objection of respondent No. 1 that the petition discloses no cause of action. This issue is found in favour of the petitioner.

Issues No. 1 and 2 :

Both these issues being inter-connected, it would be convenient to take them up together. Though no hard and fast rules can be said to exist on the subject, it is by now a well settled rule of Election Law that an order for inspection and/or recount of ballot papers, which undoubtedly has the effect of touching upon the secrecy of the ballot is not to be made just for the asking or as a matter of course. On a close and careful scrutiny of a catena of earlier decisions recorded on this subject, the Supreme Court in the case of *Bhabhi v. Sheo Govind and other* (A.I.R. 1975 SC 2117) summarized the broad guidelines for ordering inspection and recount of ballot papers as under :—

- “(1) That it is important to maintain the secrecy of the ballot, which is sacrosanct and should not be allowed to be violated on frivolous, vague and indefinite allegations;
- (2) That before inspection is allowed, the allegations made against the elected candidate must be clear and specific and must be supported by adequate statements of material facts ;
- (3) The Court must be *prima facie* satisfied on the materials produced before the Court regarding the truth of the allegations made for a recount;
- (4) That the Court must come to the conclusion that in order to grant prayer for inspection it is necessary and imperative to do full justice between the parties;
- (5) That the discretion conferred on the Court should not be exercised in such a way so as to enable the applicant to indulge in a roving inquiry with a view to fish materials for declaring the election to be void; and
- (6) That on the special facts of a given case sample inspection may be ordered to lend further assurance to the *prima facie* satisfaction of the Court regarding the truth of the allegations made for a recount and not for the purpose of fishing out materials. If all these circumstances enter into the mind of the Judge and he is satisfied that these conditions are fulfilled in a given case, the exercise of the discretion would undoubtedly be proper.”

The view expressed in *Bhabhi's* case (supra) was once again endorsed in 1980 in the case of *S. Raghbir Singh Gill v. S. Gurcharan Singh Tohra and others* (A.I.R. 1980 SC 1362). In para 33 of this report the Court observed :

"True, recount cannot be ordered just for the asking. A petition for recount after inspection of the ballot papers must contain an adequate statement on material facts on which the petitioner relies in support of his case and secondly the Tribunal must be *prima facie* satisfied that in order to decide the dispute and to do complete justice between the parties an inspection of the ballot papers is necessary. The discretion conferred in this behalf should not be exercised in such a way so as to enable the applicant to indulge in a roving inquiry with a view to fishing out materials for declaring the election void. Only on the special facts of a given case sample inspection may be ordered to lend further assurance to the *prima facie* satisfaction of the Court regarding the truth of the allegations made for a recount and not for the purpose of fishing out materials. This is well settled by a catena of decisions. (See Jitendra Bahadur Singh v. Krishna Behari, (1970) 1 SCR 852: (AIR 1970 SC 276), Smt. Sumitra Devi v. Sheo Shankar Prasad Yadav, (1973) 2 SCR 920 : (AIR 1973 SC 215); Bhabhi v. Sheo Govind, 1975 Supp. SCR 202: (AIR 1975 SC 2117); Ram Autar Singh Bhadauria v. Ram Gopal Singh, (1976) 1 SCR 191 : (AIR 1975 SC 2182); and R. Narayanan v. S. Semmalai, (1980) 1 SCR 571: (AIR 1980 SC 206)."

Whether the pre-conditions which in terms of the view expressed by the Supreme Court in the above mentioned cases are recognized as imperative for obtaining an order for inspection/recount of ballot papers, are satisfied in the instant case, is the question that arises next for our consideration. In fact the very fate of this case hinges upon the answer to this question.

Although the petition mentions of a host of serious irregularities and illegalities of far reaching effect, alleged to have been committed, in the process of counting by the counting staff of different ranks, in the course of the trial, the petitioner endeavoured to establish the following factors only:

1. That the presence of the counting agents of the petitioner was made ineffective as they were made to sit by the counting staff on the benches which were lower in height as compared to the counting tables and from which they could not properly watch the process of counting;
2. The genuine protests made by the counting agents of the petitioner were ignored by the concerned authorities;
3. Some valid votes polled in favour of the petitioner were rejected, without allowing inspection thereof either to the petitioner or to his counting agents;
4. The postal ballot papers were not counted in the presence of the petitioner or his counting agents; and
5. The application made by the petitioner for recount of ballot papers was wrongly rejected by the Asstt. Returning Officer.

In support of the factors enumerated above, the petitioner relies upon the oral evidence supplied by as many as seven of his counting agents who were examined at the trial. These seven counting agents are Varinder Kumar (PW3), Thakur Ram (PW 4), Veer Varat Sharma (PW 5), Om Prakash Sood (PW 6), Madan Lal Sharma (PW 7), Visheshar Nath (PW 8) and Subhash Chand (PW9). In addition the petitioner put himself also in the witness box. For a proper appreciation and assessment of this oral evidence, a few facts which are undisputed and of course relevant need to be stated. The admitted position is that the counting of votes was conducted on as many as 12 tables in the hall of the Government Girls High School, Dehra. The counting was done under the overall supervision and control of the Asstt. Returning Officer for whom a separate table had been placed and who remained present throughout the counting process. The candidates including the petitioner were also present throughout. The candidates had appointed their counting agents under Rule 52 of the Conduct of Election Rules and these counting agents in terms of the relevant provisions of the said Rule had the right to inspect the ballot boxes as also the ballot papers which were found invalid and liable for rejection. The candidates and in their absence their counting agents, if not satisfied with the correctness of the counting, had the right to apply to the Returning Officer to recount

the votes either wholly or in part. This right, of course, had to be exercised after the counting was over and the grounds on which the demand for recount was made had also to be stated. The actual counting was done by the public servants engaged for the purpose, there being two counting officers and one counting supervisor deputed on each table. The candidates had free access to all the counting tables as also to the table of the Asstt. Returning Officer throughout the process of counting.

Now in the instant case the petitioner while in the witness box never cared to state if any of his counting agents had complained to him that he was not in a position to properly watch the counting process or if he was experiencing any difficulty in the performance of his duties as counting agent. Nor did he state if he on his own realised this difficulty of his counting agents and brought it to the notice of the Asstt. Returning Officer orally or in writing. This one circumstance by itself looks sufficient to reject the version now sought to be introduced, namely, that the presence of the counting agents of the petitioner had been made ineffective on the counting tables. Apart from this, at least two of the petitioner's counting agents, namely, Madan Lal Sharma (PW 7) and Subhash Chand (PW 9) can be said to have admitted in clear terms that they were in a position to properly supervise the process of counting and in fact had effectively done so. As per Madan Lal (PW 7), he suspected the correctness of counting in respect of two bundles on his table and latter on his pointing out, the ballot papers of these two bundles were recounted. According to him, on such recount one of the bundles was found to contain 63 ballot papers and the other 51 instead of standard number of 50 which was prescribed for each bundle. Necessary correction was then made on that recount. He added towards the end of his examination-in-chief that except for the two irregularities stated above, he found no other irregularity in the process of counting on his table. Similarly, Subhash Chand (PW 9) also suspected the correctness of the ballot papers of a particular bundle. He too claims to have raised an objection which was sustained and on which the ballot papers of that bundle were recounted. According to him, on such recount the bundle was found to contain 51 ballot papers against the standard number of 50 and the necessary correction was made. No other bundle was recounted at his instance which shows that he did not suspect foul play in any other bundle as he made no such complaint. Now these counting agents could raise their objections only if they were in a position to effectively supervise the process of counting. Varinder Kumar (PW 3) another counting agent of the petitioner deputed on table No. 3 also claims to have raised an objection with respect to 41 ballot papers pertaining to Rakkar polling booth which had been kept aside by the counting staff and which, according to him, included 10 or 12 votes polled in favour of the petitioner. The witness then added that on his objection the counting supervisor told him that the ballot papers kept aside would be inspected by the Returning Officer and later the Asstt. Returning Officer did inspect those doubtful ballot papers and gave his decision. This witness also thus indirectly admitted that he was in a position to effectively supervise the counting process. True, that all the seven counting agents examined at the trial did in one way or the other stated that they were not in a position to properly watch the ballot papers from the benches where they were made to sit but these bad statements without anything more would inspire no confidence especially in view of the facts and circumstances proved on the record and to which reference has been made above. If there was any truth in this allegation it was only natural that a complaint to that effect was immediately made to the concerned authorities and if not attended to the petitioner and his counting agents would have left the counting hall in protest. The fact that even in the application for recount made by the petitioner after the counting was over, no such allegation was made, lends further support to the conclusion that the version now being set up, is only an after thought. I, therefore, find no hesitation in rejecting the plea of the petitioner that the presence of his counting agents had been made ineffective as stated by him or if any protests made by the counting agents were ignored by the concerned authorities.

The next factor which the petitioner seeks to press into service is that some of valid votes polled in his favour were rejected without allowing inspection thereof to the petitioner himself or to his counting agents. The allegations made in this regard in the election petition find absolutely no support from the evidence adduced in the case. Varinder Kumar (PW 3), a counting agent of the petitioner, is the only witness who has deposed on this point. All that he has stated was that 41

ballot papers were kept aside at the time of counting as they were considered doubtful. According to this witness, only 10 or 12 ballot papers polled in favour of the petitioner were included in those 41 doubtful ballot papers. These doubtful ballot papers were later inspected by the Asstt. Returning Officer who gave his decision. The witness never complained if the rejection of the ballot papers was made without affording him an opportunity of inspection. There is thus no warrant for the conclusion if any ballot paper had been wrongly rejected.

Looking from another angle, it is an admitted position that the returned candidate was declared elected by a margin of 760 votes. A reference to Form 20 found at Ex. P-3 shows that the total number of votes rejected in the Constituency both recorded at polling stations and also recorded at postal ballot papers was 249. Even if it be assumed that all these votes had been wrongly rejected and had been polled in favour of the petitioner even then it would not affect the result of the election in so far as the returned candidate is concerned. This third factor relied upon by the petitioner in support of his claim for recount would, therefore, be of no avail to him.

The next contention of the petitioner is that the postal ballot papers were not counted in his presence or in the presence of his counting agents. I need not enter into the controversy whether the postal ballot papers were actually counted in the presence of the petitioner or not since even if all the ballot papers received by post had been counted in favour of the petitioner, the same would not have tilted the result, in his favour or against the returned candidate. As per the entries made in Form 20 EX. P-3, the total number of postal ballot papers received was 463 out of which 60 had been declared as invalid. Out of the remaining 403 valid votes, the petitioner had polled 117, respondent No. 1, 272 and respondent No. 2, 14. In view of this number of postal ballot papers, the fact that the same were counted in the presence or absence of the petitioner would lose its significance.

The next and the last plea of the petitioner in support of his claim for recount is that his application for recount was rejected by the Asstt. Returning Officer on frivolous grounds and at the behest of the returned candidate. Ex. P-1 is the original application which was made by the petitioner for recount before the Asstt. Returning Officer. This application reads :

To

The Asstt. Returning Officer,
Dehra (Kangra).

Subject.—Recounting of votes of 39 Pragpur Constituency.

Sir,

This is for your information and sympathetic consideration that the votes polled in 39-Pragpur Himachal Pradesh Constituency on 5th March, 1985, may please be recounted because I doubt that there is something wrong in counting on each table. Hoping for favourable action in the matter please.

Thanks.

6th March, 1985.

Yours Sincerely.

Sd/-

VIRENDER KUMAR,
B.J.P. Candidate.

It is obvious that the application does not contain any ground on which the demand for recount was made. This application thus did not comply with the mandatory requirement of rule 63 (2) of the Conduct of Election Rules, 1961, which provides in clear terms that after the announcement of the result of counting, a candidate or in his absence his election agent or any of his counting agents may apply in writing to the Returning Officer to recount the votes either wholly or in

part stating the grounds on which he demands such recount. As was observed by the Supreme Court in the case of *Beliram Bhalaik v. Jai Behari Lal Khachi and another.* (A.I.R. 1975 SC 283) that a whimsical and bold statement of the candidate that he is not satisfied with the counting is not tantamount to a statement of the "grounds" within the contemplation of Rule 63 (2). Such an application would not be a proper application in the eye of law and, therefore, deserves no other fate than the one met by the application of the petitioner. The Asstt. Returning Officer in rejecting this application acted only in accordance with law and no exception can, therefore, be taken to the order rejecting such an application.

The petitioner has thus failed to make out a case justifying the order for scrutiny or recount of the ballot papers. Nor in the circumstances it can be said that the result of the election in so far as the returned candidate is concerned had been materially affected by improper reception, refusal or rejection of any vote or the reception of any vote which is void so as to justify declaring the election of respondent No. 1 as void. Both issues No. 1 and 2 are decided against the petitioner.

In light of my findings recorded above, the petition fails and is dismissed with costs which are assessed at Rs. 1000/-.

The Registrar of this Court shall forthwith intimate the substance of this judgment to the Election Commission of India, New Delhi, as also the Speaker of the Legislative Assembly of the State of Himachal Pradesh. An authenticated copy of this judgment may be sent to the Election Commission of India, New Delhi, as soon as possible.

T. R. HANDA, J.

September 27, 1985.

Attested.

Sd/- Superintendent (Judicial).

By order,
T. D. GUPTA,
Under Secretary,
Election Commission of India.

By order,
ATTAR SINGH,
Chief Electoral Officer,
Himachal Pradesh.